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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X
ARTISAN MANUFACTURING CORPORATION, :

Plaintiff, :

- against - :

ALL GRANITE & MARBLE CORPORATION., :

Defendant. :

Civil Action No.: 07 CV 11278

----- X
**DECLARATION OF JOHN MALTBIE IN FURTHER SUPPORT OF PLAINTIFFS'
MOTION FOR A PRELIMINARY INJUNCTION**

EXHIBIT F

1
2 UNITED STATES DISTRICT COURT
3 FOR THE SOUTHERN DISTRICT OF NEW YORK
4

ARTISAN MANUFACTURING)
5 CORPORATION,)

6 Plaintiff,)

7 vs.)

) 07-cv-11278 (WHP)

8 ALL GRANITE & MARBLE)
CORPORATION,)

9 Defendant.)
10 -----)

11
12
13
14 DEPOSITION OF JOSEPH AMABILE
15 Parsippany, New Jersey
16 Thursday, February 7, 2008
17

18
19
20 CONTAINS CONFIDENTIAL PORTIONS
21
22
23

24 Reported by:

FRANCIS X. FREDERICK, CSR, RPR, RMR

25 JOB NO. 15244D

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February 7, 2008
2:08 p.m.

Deposition of JOSEPH AMABILE,
held at the offices of Hoffmann & Baron,
6 Campus Drive, Parsippany, New Jersey,
pursuant to Notice, before Francis X.
Frederick, a Certified Shorthand
Reporter, Registered Merit Reporter and
Notary Public of the States of New York
and New Jersey.

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APPEARANCES:

ARNOLD & PORTER
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BY: JOHN MALTBIE, ESQ.

HOFFMANN & BARON, LLP
Attorneys for Defendant
6 Campus Drive
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BY: R. GLENN SCHROEDER, ESQ.

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J. AMABILE
JOSEPH AMABILE, called as a
witness, having been duly sworn by a
Notary Public, was examined and
testified as follows:

EXAMINATION BY
MR. SCHROEDER:

Q. Could you please state your full
name and residence for the record?

A. Sure. It's Joseph A. Amabile,
III. And residence is 134 Tinsman Road,
Frenchtown, New Jersey.

Q. Thank you. Do you understand why
you're here today?

A. Yes, I do.

MR. SCHROEDER: Okay. Just to be
clear, I just want to mark as Defendant's
74 and Defendant's 75 what are two
Notices of Deposition.

(Defendant's Exhibit 74, Corrected
Notice of Deposition of Joseph Amabile,
marked for identification as of this
date.)

(Defendant's Exhibit 75, Corrected
Notice of Deposition of Plaintiff Artisan

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J. AMABILE
Manufacturing Corporation, marked for
identification as of this date.)

BY MR. SCHROEDER:

Q. Mr. Amabile, I'm showing you
what's been marked as Defendant's 74 and 75.
Defendant's 74 is a Notice of Deposition
individually naming you, and Defendant's 75 is
what we refer to as a 30(b)(6) Notice of
Deposition which means you're here to testify
on behalf of the company.

Do you understand that?

A. Yes, I do.

Q. Okay. So just quickly let's just
take a look at Defendant's 75. And you'll
notice there's an attached schedule to that
document. Schedule A.

A. Okay.

Q. And if I can refer you to items 6
and 7. Mr. Han during his deposition
testified you would be knowledgeable to
testify as to items 6 and 7 on this sheet; is
that correct?

Please read them.

A. Sure.

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1 J. AMABILE
 2 (Pause on the record.)
 3 A. That is correct.
 4 Q. Thank you.
 5 Have you ever been deposed before?
 6 A. I have not.
 7 Q. Mr. Maltbie probably reviewed this
 8 with you but today I'll ask you a series of
 9 questions. Please answer them truthfully to
 10 the best of your knowledge. If you don't know
 11 an answer simply say I don't know. If you
 12 don't understand a question please tell me, I
 13 will try to rephrase it, make it clearer. If
 14 you need a break we'll take breaks.
 15 Is there any reason why you can't
 16 testify truthfully today? Are you taking any
 17 medications, any illnesses?
 18 A. No.
 19 Q. Thank you.
 20 Could you give me a brief overview
 21 of your educational background?
 22 A. Sure. I basically have a high
 23 school diploma.
 24 Q. Okay.
 25 A. And I have a plumbing background.

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1 J. AMABILE
 2 A. Their headquarters is in Lakewood,
 3 New Jersey. But I was in the Philipsburg, New
 4 Jersey location.
 5 Q. Okay. And how long did you work
 6 for L&H Plumbing Supply? Approximately.
 7 A. Seven, eight years.
 8 Q. Okay. Following your departure
 9 from L&H Plumbing Supply where did you work
 10 next?
 11 A. Next I went to work for a company
 12 called Bath Art which is a bathroom and
 13 kitchen remodeling company.
 14 Q. Where are they located?
 15 A. Lafayette, New Jersey.
 16 Q. And how long did you work there?
 17 A. Two years, approximately.
 18 Q. What was the nature of your
 19 responsibility?
 20 A. Everything from job sales, actual
 21 hands-on running of the projects and ordering
 22 of material.
 23 Q. Did that actually involve
 24 installation?
 25 A. I did some installation,

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1 J. AMABILE
 2 I've gone to school for plumbing. That was,
 3 you know, my main background in this industry.
 4 Q. Do you have a plumbing license?
 5 A. I don't.
 6 Q. How many years -- well, let's
 7 start with the following year of high school
 8 graduation. Were you employed as a plumber at
 9 that point?
 10 A. I was.
 11 Q. For how many years?
 12 Approximately.
 13 A. Seven.
 14 Q. Seven years?
 15 When did you graduate high school?
 16 A. 1988.
 17 Q. And following your career as a
 18 plumber what was your next course of
 19 employment?
 20 A. I went into the wholesale plumbing
 21 end.
 22 Q. And who did you work for at that
 23 point?
 24 A. At that point L&H Plumbing Supply.
 25 Q. Where are they located?

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 2 absolutely.
 3 Q. Thank you.
 4 Okay. So Bath Art. Following
 5 Bath Art where were you employed next?
 6 A. Artisan.
 7 Q. Do you recall what year you were
 8 employed?
 9 A. With Artisan I started April of
 10 last year.
 11 Q. So April of 2007.
 12 A. That's correct.
 13 Q. So that brings us to a little less
 14 than a year, then.
 15 A. Yes.
 16 Q. When you were hired by Artisan
 17 what position did you start as?
 18 A. I was just -- hired on with them
 19 as a sales rep for -- for New Jersey.
 20 Q. Has your territory now expanded
 21 beyond New Jersey?
 22 A. I'm now regional sales manager for
 23 New Jersey, Pennsylvania.
 24 Q. Not including New York.
 25 A. Not including New York.

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2 **Q. Who covers the New York region, if**
3 **you know?**4 A. That is handled by a sales rep
5 company which is -- I know the gentleman's
6 name. I'm just trying to think of what his
7 company is called. His name is Bob Hirschorn.8 **Q. How do you spell his last name?**

9 A. H-I-R-S-C-H-O-R-N.

10 **Q. Now, when you say a sales rep**
11 **company, how does that differ from someone**
12 **like yourself?**13 A. I'm employed by Artisan. He is a
14 company that reps our products. So he takes
15 on the line. Basically it's -- let's say for
16 lack of a better term it would be like a
17 straight commission type position.18 **Q. When did you -- when were you**
19 **promoted to regional sales manager at Artisan?**20 A. Oh, I'm going to say it was
21 September. In that vicinity.22 **Q. September of 2007?**

23 A. Yes.

24 **Q. Okay. So prior to your promotion**
25 **what were your responsibilities at Artisan?**

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2 A. Basically to get sales. I mean,
3 that was -- you know, find new customers.4 **Q. What region were you covering at**
5 **that point?**6 A. From the Route 78 corridor to
7 South Jersey. All the way down.8 **Q. During that period of time you**
9 **were actually out there visiting potential**
10 **deals, visiting customers?**11 A. That's correct. I mean, I was on
12 the road and in the office. I kind of, you
13 know, between both -- you know, both things.14 **Q. When you were promoted to regional**
15 **sales manager did your day-to-day duties**
16 **change?**17 A. They stayed the same. However, I
18 was responsible for tying in the -- you know,
19 your outside sales reps, keeping a little more
20 tabs on what was going on in every territory
21 as opposed to being out on the road, you know,
22 on a day-to-day basis.23 **Q. Now, besides yourself, are there**
24 **other reps actually covering the dealers in**
25 **the New York/New Jersey area?**

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2 A. No.

3 **Q. So you're still the person who**
4 **actually physically goes and visits the**
5 **dealers.**

6 A. That's correct. Yes.

7 **Q. Do you have a procedure for how**
8 **often you visit any particular dealer or**
9 **distributor?**

10 A. No procedure, no.

11 **Q. Do you make a point of visiting**
12 **every dealer so many months or so many times a**
13 **year?**14 A. I have, you know, a basis that I
15 use myself, you know, where -- you know, if it
16 was a perfect world and everything ran that
17 way I would like to get into my dealers at
18 least once every three months. You know, now
19 some -- you know, there's always situations
20 that change that, you know, where it's -- you
21 know, somebody needs something right away I
22 need to go address it. So that sometimes gets
23 pushed off.24 **Q. All right. Thank you.**25 **On average, how many**

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2 **dealers/distributors do you visit a week?**3 A. Seven to -- could be seven to 15.
4 Depending on -- depending on the time that I
5 need to spend in the office.6 **Q. Are these visits typically**
7 **arranged in advance or do you just pop in on**
8 **these people?**

9 A. No. I'll just show up.

10 **Q. Do all these dealers know who you**
11 **are?**

12 A. Not always.

13 **Q. When you show up they recognize**
14 **that you're on behalf of Artisan once you**
15 **explain who you are?**16 A. Oh, yeah. I'll always present
17 myself with a card. Business card.18 MR. SCHROEDER: Just to get a
19 little bit of background let's go ahead
20 and mark this next document as
21 Defendant's 76.22 (Defendant's Exhibit 76, document
23 bearing production number ART 00236,
24 marked for identification as of this
25 date.)

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2 BY MR. SCHROEDER:

3 Q. Mr. Amabile, I'm showing you
4 what's been marked as Defendant's 76. I don't
5 know if you're familiar with these documents,
6 with these numbers. This represents daily
7 sales figures on behalf of Artisan. Are you
8 familiar with these numbers?

9 A. I am.

10 Q. Okay, good. Thank you.

11 I just wanted to ask you a few
12 general questions. Artisan, according to Mr.
13 Han's testimony, was started in 2003 and
14 obviously is continuing to date.

15 You'd mentioned earlier you
16 started employment in 2007.

17 A. That's right.

18 Q. So you may have no knowledge about
19 prior sales.

20 A. Correct.

21 Q. But the question I wanted to ask
22 you is we see a big sales jump and 2005 to
23 2006 and then we see a sort of leveling off in
24 2006/2007.

25 Do you have any indication as to,

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2 first, the sales jump that occurred between
3 '05 and '06 and then, second, the leveling off
4 between '06 and '07?

5 MR. MALTBI: Objection to form.
6 You can answer if you understand the
7 question.

8 A. I understand the question. I
9 don't have any knowledge as to why that --
10 there's such a drastic difference there.

11 Q. Thank you.

12 Since the time you started in
13 April 2007 have sales, to your knowledge,
14 increased, stayed the same, declined?

15 A. In my region sales have increased.
16 In other regions sales have gone down.

17 Q. Do you have knowledge as to --
18 start that over.

19 Is that a function of the economy
20 and the decline in price of housing and retail
21 housing market?

22 A. I mean, to my knowledge, that
23 would be what I would attribute it to.

24 Q. During your period of time since
25 April 2007 have the numbers of

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1 J. AMABILE

2 dealers/distributors increased, decreased,
3 stayed about the same?

4 A. In my region they have increased.

5 Q. Do you know by how many?
6 Approximately.

7 A. I wouldn't know an exact number.
8 Approximately I would give you -- I would tell
9 you anywhere from 50 to 60.

10 Q. Great, thank you.

11 (Defendant's Exhibit 77, document
12 bearing production numbers ART 00017
13 through ART 00021, marked for
14 identification as of this date.)

15 BY MR. SCHROEDER:

16 Q. Let's mark the next document as
17 Defendant's Exhibit 77.

18 Mr. Amabile, I'm showing you
19 what's been marked as Defendant's Exhibit 77
20 which is a collection of dealers/distributors
21 covering New Jersey and New York. The first
22 two pages cover New Jersey dealers. And the
23 last two pages cover New York dealers.

24 So based on your earlier testimony
25 you're not responsible for the New York

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2 dealers/distributors.

3 A. That's correct.

4 Q. Okay. So let's focus on just the
5 first couple pages here if we could.

6 Mr. Han in his declaration
7 mentioned 200 authorized dealers in New York
8 and New Jersey.

9 A. Um-hum.

10 Q. To the best of my knowledge, is
11 that an accurate number of the amount of
12 dealers in New York and New Jersey?

13 A. Once again, I'm not familiar with
14 New York.

15 Q. Um-hum.

16 A. So I don't know that answer.

17 Q. Okay. Thank you.

18 Now, with respect to New Jersey
19 dealers, are you familiar with the names on
20 this list?

21 A. Yes. I mean, 90 percent of them,
22 yes.

23 Q. So for the most part these are
24 dealers/distributors that you have visited
25 personally yourself?

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A. Um-hum.

Q. When I use the term "dealer/distributor" is there a difference between the two from the company's standpoint? If someone is a dealer or distributor, is there a difference?

MR. MALTBIIE: Objection to form.

Sorry. Go ahead.

Q. You can answer if you understand. So if I use the term correctly, how would you define dealer versus distributor if there is a difference?

A. Dealer versus distributor would be -- the way I would determine, is based upon volume. You know, a dealer is going to be able to move a lot less merchandise than a distributor is going to be.

Q. So a distributor might in turn sell to individual dealers.

A. They could possibly. Absolutely. (Following portion deemed confidential and included under separate cover.)

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J. AMABILE - CONFIDENTIAL

A. Okay. Flemington Granite and Arch Supply.

Q. Now, what makes them a bigger customer? They're just able to move more volume?

A. Volume.

Q. Okay. And who do they sell to, if you know?

A. Flemington mainly sells to retail sector.

Q. So if you go into the showroom are you actually going in just to purchase a sink or are you going in to purchase granite along with the sink?

A. You could go in there and purchase just a sink. You could purchase granite and a sink. I mean, there isn't -- whether we receive interest in our product via e-mail, you know, in my territory basically I take a look at any of our dealers and those customers are redirected to our dealers to go there to purchase a sink.

So what they do with the retail customer when they get there, if they're able

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J. AMABILE - CONFIDENTIAL

Q. Okay. So, for example, is it possible for you to point out to me who you might call a distributor on this list of New Jersey customers?

A. New Jersey.

MR. MALTBIIE: I'd like to have this marked attorneys' eyes only, please. (Pause on the record.)

A. Now, once again, I want to make sure I understand what you're asking me. Are you asking me who we would consider a distributor now or that would have the potential to be?

Q. Let me rephrase that question.

A. Sure.

Q. That's probably somewhat of an unclear question.

A. I just want to make sure I'm...

Q. Out of the customers here, if you could identify one or two of your bigger customers. Maybe that's an easier way to ask the question.

Who would be considered a bigger customer presently on this list?

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to sell them a granite top, that's great. But we get a lot of interest in just where can I buy your sink.

Q. Um-hum.

A. You can buy our sink at...you know, there's no one customer that is singled out. We take a look at a zip code radius and give them three or four names and let them purchase the product.

Q. Okay. Thank you.

So in terms of other names on this list -- start that all over.

How many of these names on the list would be selling your sinks to retail customers walking in off the street, if you know?

A. Every single one of them.

Q. Every one.

A. Could potentially sell a sink to a retail customer walking in off the street. Absolutely.

Q. Okay, good.

Are there any names here that you know do not sell sinks on a retail basis to

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J. AMABILE - CONFIDENTIAL customers?

MR. MALTBIE: Objection to form.

Q. You can answer if you understand.

A. No. I don't understand.

Q. Okay. Let me rephrase that.

Do you know whether any of these customers simply do not sell sinks on a retail basis? For example, they only sell you a sink --

A. Okay. If they only buy a countertop. That I'm not aware of, no.

Q. Okay.

A. No.

(Continued in non-confidential portion of transcript.)

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Q. Do you ever provide any signage to your dealers that would actually be hung on a wall?

A. No. I haven't.

Q. Is there point-of-sale material set up near a sink display?

A. I would like there to be.

Q. Okay.

A. You know, I can't say that everyone abides by that -- by that theory, so to speak.

Q. To the best of your knowledge, does each one of these dealers actually have an Artisan sink on display in their showroom?

A. Not necessarily.

Q. Do you have --

A. But most of them do.

Q. Okay. I was going to say do you have an idea of how many percentage actually have an Artisan sink on display in their showroom when you walk in?

A. Off the top of my head I don't. I would have to sit here and analyze it to figure it out.

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Q. Okay. Fine. Thank you.

Do you know, and when you visit these stores, do you see any sort of Artisan brochures, fliers, artwork in any of these stores?

A. Yes, I do.

Q. Okay. Could you describe for me what is -- what is shown in a store? Maybe give me an example?

A. You know, we have different -- you know, different marketing tools, so to speak. I'll say -- whether it's a pamphlet or a flyer or, you know, different material that we use to promote our product. That's what we look for.

Q. And do you supply the material to the individual dealers/distributors?

A. Yes, we would.

Q. So when you go into a store is that something that is accessible to a customer? Or is that something that a salesperson would hand to a customer?

A. In some cases yes, and in some cases, no.

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Q. Fifty percent?

A. Greater than 50 percent. You know, that's part of my job.

Q. To the best of your knowledge, how many of these dealers carry other brands of sinks besides Artisan?

A. To the best of my knowledge, 30 percent.

Q. What kind of brands have you seen in some of these stores other than the Artisan brand?

A. There's, you know, several different companies out there. I mean, there's -- you know, Blanco is a very familiar one that a lot of the fabricators carry that I run into a lot. They have a headquarters in New Jersey so it's...

Q. Okay. Any other brands you see in these dealers' showrooms?

A. That's probably the biggest competition. I mean, you'll see -- you know, from time to time you'll see, you know, an off-beat brand that's just, you know, something that's available to them through a

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2 magazine or something. You know, one of their
3 publications.

4 Q. Okay. Thank you.

5 Are any of the names on this list
6 simply a retailer of plumbing products versus
7 installer/kitchen designer/home designer?

8 MR. MALTBIE: Objection to form.

9 Q. Do you understand? Was that clear
10 enough?

11 A. Are you asking me if any of these
12 names on here are just wholesalers of plumbing
13 supplies?

14 Q. Correct.

15 A. There are a few on here that are
16 plumbing supply wholesalers.

17 Q. For example?

18 A. Belmar Plumbing Supply.

19 Q. Okay. So if I go into Belmar
20 Plumbing Supply I'm not going there to buy a
21 countertop or to have my kitchen redesigned
22 or --

23 A. You could. They have a showroom.

24 Q. So there are salespeople there who
25 could actually work with me to redesign my
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2 kitchen and order a countertop?

3 A. Yes. If I'm correct, I believe
4 they do sell cabinetry, also. Vanities, that
5 kind of thing. They definitely do have a
6 showroom.

7 Q. Okay. Anybody else like that?

8 A. Mitchell Hardware Company.

9 Q. Okay. Do they also have a
10 showroom?

11 A. They also have a showroom.

12 Somerville Lumber Company.

13 Q. And do they have a showroom?

14 A. Um-hum. Special Additions right
15 underneath that.

16 Q. And they have a showroom?

17 A. Um-hum. Most case scenarios
18 they're going to have a showroom.

19 Q. Okay. All right, thank you.

20 A. Or some way to at least display
21 product.

22 Q. Is it fair to say, though, that
23 most of the -- let me rephrase that.

24 Would you say that most of the
25 sales of your sinks take place in connection
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2 with the sale of the countertop or the sale of
3 a kitchen redesign, if you can say that?

4 MR. MALTBIE: Objection to form.

5 A. You're asking me do most of the
6 sales of our products come from somebody
7 that's doing a project remodeling their
8 kitchen or changing a countertop.

9 Q. Correct.

10 A. Yes.

11 Q. Would you think that's -- rephrase
12 that.

13 Is that typically true of anyone
14 purchasing any sort of sink, that it's part of
15 a larger project?

16 A. Yes.

17 Q. Typically when you purchase --
18 typically when a customer is purchasing a sink
19 he's probably replacing a countertop or
20 redesigning a kitchen, in your experience?

21 A. Yes.

22 Q. The customers that carry more than
23 one brand of sink, can you give me an example
24 of one of those customers who would carry your
25 sink and, for example, as you mentioned, a
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2 Blanco sink? Who would carry more than one
3 sink?

4 A. Mitchell Hardware Company.

5 Q. So if you go into Mitchell

6 Hardware Company, how do they have their sinks
7 displayed?

8 A. Their sinks are displayed on racks
9 on a wall.

10 Q. Do they have Artisan sinks next to
11 Blanco sinks? Is that how they're set up?

12 A. Correct.

13 Q. And how do they distinguish the
14 sinks in the store?

15 A. Through sales literature.

16 Q. Is there any signage next to each
17 sink, to the best of your knowledge?

18 A. To the best of my knowledge, I am
19 not sure.

20 Q. Okay.

21 A. I don't recall.

22 Q. Do you know whether any of these
23 dealers operate websites in addition to their
24 showrooms?

25 A. I don't.

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Q. Okay. Have you ever provided any information to any of these dealers to put on their websites, to the best of your knowledge?

A. No.

Q. Okay. Thank you.

To the best of your knowledge, do any of these -- I may have asked you this already. Do any of these dealers give away their sinks as part of a larger offer?

MR. MALTBIE: Objection to form.

A. Could you rephrase that for me?

Q. Are any of these customers offering a free sink if you buy a countertop or something like that?

MR. MALTBIE: Objection to form.

Are you asking about Artisan sinks or any sinks?

MR. SCHROEDER: Any sinks.

A. Any sinks, period?

Q. Any sinks period.

A. Hell, if I'm doing my job right they're not.

Q. Okay. Are you aware of any customers giving away any sink on this list?

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A. No.

Q. Has any -- have any of your customers ever done that in the past? To the best of your knowledge.

A. To the best of my knowledge, no.

MR. SCHROEDER: Can we mark the next two documents as Defendant's 78 and 79.

(Defendant's Exhibit 78, document bearing production number AGM 0115, marked for identification as of this date.)

(Defendant's Exhibit 79, document bearing production number AGM 0118, marked for identification as of this date.)

BY MR. SCHROEDER:

Q. I'm showing you what's been marked as Defendant's Exhibit 78 and 79 and these are two advertisements that we produced in response to certain requests in this case and let me ask you, starting with Defendant's 78, are you familiar with the company Pacific Granite and Marble?

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Let's start with that.

A. The only one I am aware of is T&J Stone Corp.

Q. And are they a countertop --

A. They're a granite fabricator, yes.

Q. And what kind of promotion do they offer, if you know?

A. Off the top of my head I do not know the promotion they run.

Q. Okay.

A. I don't know -- I guess maybe I should rephrase myself. I don't know that they're currently still doing that. It was a concept that they were doing when I first called on them. But I -- you know, part of my job is to try and teach companies how to make money, not give away money.

Q. Okay.

A. So, you know, I've -- I don't know whether they're still running that free promotion so to speak.

Q. To the best of your knowledge, are any of your customers giving away for free an Artisan sink?

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A. I am not.

Q. And with respect to Defendant's 79, are you familiar with the company Granite Crafters?

A. I am not.

Q. Have you seen ads like this before? Ads offering a free sink with the purchase of a particular order?

A. I have.

Q. Okay. And whose ads have you seen, if you know?

A. Well, off the top of my head I've seen All Marble's and T&J Stone. That's one of the ways I went and called on them.

Q. Okay. Anybody else that you can think of?

A. Off the top of my head, no.

Q. Okay, fine. Thank you.

MR. SCHROEDER: Let's mark this next document as Defendant's 80.

(Defendant's Exhibit 80, document bearing production numbers AGM 0091, marked for identification as of this date.)

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2 BY MR. SCHROEDER:

3 Q. Showing you what's been marked as
4 Defendant's 80, this is a coupon advertisement
5 put out by All Granite & Marble. Have you
6 seen this ad or one similar to that before?

7 A. I have.

8 Q. In or on any ad you've seen in the
9 past, or on this particular ad, have you ever
10 noticed All Granite using any of the Artisan
11 trademarks?

12 A. I have not.

13 Q. Let's take a look back to what
14 we've marked as Defendant's 77, the customer
15 list. There was some testimony offered by Mr.
16 Han about qualifying as a dealer becoming an
17 authorized dealer and in particular Mr. Han
18 stated in his declaration that "The process of
19 becoming an authorized dealer or reseller of
20 Artisan brand sinks are not a simple one.
21 Artisan carefully examines each entity that
22 seeks to distribute Artisan brand products to
23 ensure that the entity has a good reputation
24 for quality and service."

25 Can I ask to you expand upon the
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2 process by which one becomes an authorized
3 Artisan dealer?

4 A. Sure. Well, pretty much he has
5 hit it. There's certain criteria that we look
6 for. One of those criteria is having the
7 ability to display our product. That's
8 important for us.

9 Q. Um-hum.

10 A. Having the knowledge and the staff
11 to be able to sell the product. Having the
12 concept to understand quality product that
13 we're manufacturing versus what else is out
14 there in the market. I mean, those are pretty
15 much the criteria that I look for when I go
16 into a dealer.

17 Q. Is there any --

18 A. And, of course, you know, being
19 able to pay.

20 Q. Is there any sort of written
21 policy that the company has that you present
22 to a company seeking to become a dealer?

23 A. There's not.

24 Q. Once a company qualifies as an
25 authorized dealer is an agreement signed? Any
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2 sort of written agreement signed at that
3 point?

4 A. No.

5 Q. Who makes the final determination
6 whether a company will become an authorized
7 dealer or distributor?

8 A. In my region I would make that
9 decision at this point.

10 Q. With input from Mr. Han or anyone
11 else at the corporate headquarters?

12 A. Well, I would discuss obviously my
13 findings with him. However, at this point he
14 has -- basically my judgment is fine with him.

15 Q. Thank you.

16 So with that said, does that mean
17 that all the names on this list set forth on
18 Defendant's 77 -- are all these names
19 authorized dealers?

20 A. They are -- when you say
21 authorized dealers, are they authorized by us
22 to sell our product?

23 Q. Correct.

24 A. To the best of my knowledge, yes.

25 Q. Okay.

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2 A. They're not -- I just want to make
3 sure I'm clear that, you know, not every one
4 on here was opened by me so I can't tell --

5 Q. Correct. That's fine. Thank you.
6 Have you ever terminated any --
7 let me rephrase that.

8 Other than All Granite for the
9 moment, have you ever been involved in
10 terminating any dealers as authorized dealers?

11 A. Myself personally?

12 Q. Right.

13 A. Myself personally, I have not been
14 involved with terminating anyone as a dealer.

15 Q. Based on your earlier testimony
16 that you started in April of 2007, then you
17 couldn't have been involved in the termination
18 of All Granite as an authorized dealer,
19 correct?

20 MR. MALTBI: Objection to form.

21 Q. Let me be clear.

22 Mr. Han in his declaration states
23 that Artisan ended its relationship with All
24 Granite in August of 2006.

25 A. Okay.

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Q. Which would predate your starting with the company.

A. If that predates that, yes.

Q. So then obviously you could not have been involved in that termination process since you didn't work for the company at that point.

A. That's right.

Q. Thank you.

Okay. And, again, you couldn't have been involved in the original dealings between Artisan and All Granite which allegedly took place in November of 2007 because you were not employed by the company at that point.

A. That's correct.

Q. Thank you.

Although you weren't employed back at the time that All Granite was allegedly terminated as an authorized dealer, do you have any knowledge as to the basis of why they were terminated?

A. I don't have a basis of why they were terminated. I'm not sure if it's basing, TSG Reporting - Worldwide 877-702-9580

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Q. How long he's been employed by Artisan.

A. Chuck has been there about three and a half years.

Q. Could Chuck have knowledge about the relationship between Artisan and All Granite?

A. He may.

Q. Currently Chuck is the national sales manager, correct?

A. That's correct.

Q. Do you know how long he's been national sales manager for?

A. I don't. I'm going to say two, three years.

Q. Do you know who covered the New Jersey area prior to you being employed by the company?

A. That would be Robert Herschel.

Q. So the company that now is involved with just the New York region previously handled New Jersey region as well.

A. That's correct.

Q. Now, what was -- if you know, what

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you know, the termination on the last time they purchased from us or what that was from but I don't know -- I don't know why.

Q. Okay. Who in the company might know why the relationship with All Granite was terminated? Who besides Mr. Han?

MR. MALTBIE: Objection to form.

Q. You can answer if you know.

A. Is there anyone else in the company who would know why they were terminated?

Q. Correct.

A. To the best of my knowledge, Alex was the main point person with All Granite.

Q. Now, your boss is named Chuck Volga?

A. Chuck Volga.

Q. How do you spell his last name?

A. V-O-L-G-A.

Q. Do you know how long Chuck has been employed with All Granite?

Let me rephrase that.

A. To the best of my knowledge he's not.

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was the reason why their territory was limited to -- let me rephrase that.

If you know, why was New Jersey taken away from them as a territory to cover?

A. Lack of sales.

Q. That's the point when you were hired.

A. (Witness nods.)

Q. Okay.

You started work in April of 2000 with Artisan. Do you recall when you first attempted to contact All Granite?

MR. MALTBIE: Objection to form.

Q. You can answer if you understand.

A. When you say -- could you rephrase it for me?

Q. Sure, sure.

I'm just asking -- I'm trying to determine your first contact with anybody at All Granite.

A. The exact date I am not sure of. But I would say it was -- it was in -- I would say it was June and possibly end of May. June.

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Q. Okay. We have some documents we'll look at later, some e-mails that Mr. Maltbie produced showing some notations or contact with All Granite in late June, July into August.

A. Correct.

Q. Are those the dates you're referring to?

A. Yes.

Q. Okay. Prior to those dates, was there any attempt to contact them earlier?

A. Myself?

Q. Correct.

A. No. I had basically been -- you know, just was out doing my job and I had a customer base list which I went and All Marble was on it and I stopped in -- into their Ridgefield Park location. And that's -- that was my first dealings with them. I saw that they had a paper that said Artisan on it with a sink drawn on it. But I was kind of taken to the side and kept out of the showroom. And it was at that point that, you know, I kind of pried at who my contact should be there and

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some more information. And that's when I, you know, I went there and I saw that they had an Artisan sink on display. They had sheets of paper that said Artisan on it out. So I actually kind of felt good, they were maybe still selling our product or at least wanting to sell our product.

Q. Let's stop there a second.

A. Sure.

Q. We pursued that a little bit.

When you first visited All Granite were you aware that they had been an Artisan dealer in the past?

A. Well, what I had is basically a printout which I was unaware of at the time, basically included everybody.

Q. Um-hum.

A. Whether or not they were currently doing business with us or weren't doing business with us.

Q. Okay.

A. And, to be honest with you, I would have no other way. If there's somebody that's not doing business with us for whatever

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that's when I was given Robert's name as a contact person. And that was my initial...

Q. So that that visit would have predated your actual subsequent visit with Robert.

A. That's correct.

Q. Okay.

A. Absolutely.

Q. That was your first visit to any of the showrooms of All Granite.

A. Right.

Q. And as you said that was the Ridgefield Park location.

A. That's correct.

Q. So at that point you learned of Robert's name.

A. That's right.

Q. Okay. So following that did you attempt to reach Robert?

A. Following that I attempted to reach Robert. I didn't get, you know, a response right away. Then I proceeded to go to the South Plainfield location to see what was going on down there, see if I could get

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reason, I'd rather stumble upon it myself and find out why. Maybe they'd had a bad situation with a sales rep that was covering the territory. If I could turn that around, you know, I'd want to do that there.

Q. Did anyone prompt you to go visit All Granite?

A. No.

Q. Okay.

A. Just out on my -- driving around.

Q. Okay. All right. So let's pull out those e-mails. This is relevant to what we're talking about right now.

MR. SCHROEDER: And let's mark this next multi-page document as Defendant's 81.

(Defendant's Exhibit 81, document bearing production numbers ART 00217, ART 00215, ART 00216 and ART 00218, marked for identification as of this date.)

MR. SCHROEDER: And for the record, let me just note that Defendant's 81 comprises ART 217, ART 216, ART 215, ART 218 and it's a collection of e-mails

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printed out by Mr. Amabile. And they should be in chronology order.

BY MR. SCHROEDER:

Q. I note the first page is dated June 26th and indicates that you made a phone call to Robert for an appointment.

A. Correct.

Q. So on that date you actually called his office and left a message, to the best of your knowledge.

A. To the best of my knowledge, yes.

Q. Okay. So this is dated June 26. When you testified earlier you stopped into the Ridgefield Park location would that have been shortly prior to this date?

A. I would say it's prior to that date, yes.

Q. A day or two --

A. It's definitely prior to the date. The exact time frame I don't know.

Q. Within a few days, probably?

A. A week.

Q. A week?

A. Yeah.

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grant. Does that indicate that there is to be a meeting at 10 a.m. on August 1st?

A. That's correct.

Q. And to the best of your knowledge did that meeting take place?

A. There was one meeting that Robert did not show up to.

Q. Okay.

A. So I don't know whether or not that was or wasn't that meeting. The meeting that he was supposed to show up to we were supposed to meet in one of his showrooms. He never showed up. And he told me to call him and make another appointment. So I'm not sure, you know, whether that was the one that was the final one or that was the one prior to that.

Q. Okay. Fair enough.

And the final page of this document, August 20th, appears to be a follow-up to an actual meeting that has taken place, correct?

A. That's correct.

Q. Okay. Do you recall how much

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Q. Thank you.

The next page indicates July 31st another call.

A. Um-hum.

Q. Had you had any response back at that point from Robert?

A. Yes. Because you could see it says Call All Granite to remind of tomorrow's meeting. So I would have called Robert on the 31st to basically remind him of our appointment.

Q. Okay. So prior to that did you actually speak to Robert on the phone?

A. Yes, I did.

Q. Do you recall the substance of that conversation?

A. I don't. I just -- I know that basically I would have told him who I was, why I was calling.

Q. And to arrange a meeting?

A. Correct.

Q. Okay. Fine.

Then we see the third page indicates August 1st, Robert 10 a.m., will

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prior that meeting took place? Would it have been that same day, the prior day, if you recall?

A. Prior to this e-mail here going out?

Q. Correct.

A. I would say it was probably a few weeks. If I remember our meeting correctly, I believe he told me -- asked me to give him a few weeks which most people do to kind of digest what I've gone over. So I would say it was, you know, within a couple weeks.

Q. Okay, fine. Now, that last e-mail references you "...following up on discussions we had in reference of bringing in an optional line for your customers."

A. Correct.

Q. What do you mean by optional line?

A. At that -- at our meeting I had basically let Robert know that obviously they were doing business with us in the past, that wouldn't have been on my list. He was the one that actually -- he told me that they were -- they were importing a line. And, you know,

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2 that's where I let him know our marketing
3 strategies based upon, you know, he had told
4 me they're using an 18 gauge product. I went
5 over our marketing strategies with our 16
6 gauge product line. I went over -- I showed
7 him all the marketing that we're doing, Better
8 Homes and Gardens, Kitchen Trend Magazine,
9 Signature Kitchens, all the national
10 advertising we're putting in and how Artisan
11 is -- you know, from when they may have used
12 us in the past or whatever, how it's now
13 become a name branded product.

14 Q. Um-hum.

15 A. I carry e-mails with me from
16 customers looking for our products so I can
17 show people, you know, this is what people are
18 looking for. So where it says optional line
19 for them, part of what I go over is, you know,
20 not necessarily -- I would love to gain all of
21 a company's business. That's what I always
22 would shoot for. However, you know, I told
23 him, you know, you already have our product,
24 it's on display, why not, you know, use our
25 product as an up-sell for your customer. The
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2 next document as Defendant's 82.

3 (Defendant's Exhibit 82, document
4 bearing production number ART 00075,
5 marked for identification as of this
6 date.)

7 BY MR. SCHROEDER:

8 Q. Just take a look at Defendant's
9 82. This refers to a different line of
10 Artisan sinks, ones made in 18 gauge
11 thickness.

12 A. Um-hum.

13 Q. Have you ever seen this brochure
14 before?

15 A. I've not seen this brochure, no.

16 Q. Are you familiar with 18 gauge
17 thick sinks?

18 A. Yes, I am.

19 Q. Are these currently being sold by
20 the company?

21 A. Yes, they are.

22 Q. And who are these sold to? If you
23 know?

24 A. Who are they sold for or --

25 Q. Who are they sold to.

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2 name brand recognition is there. The
3 customers are going to walk in, they're going
4 to look for it. They're going to know the
5 name. If it said, you know, this is an
6 Artisan sink they're going to recognize it.
7 Once again, just went over our complete
8 marketing strategy with him. And that's --
9 that's where it left. You know, he told me he
10 would speak to whoever he had to speak to.
11 And look at possibly using us as an optional
12 line.

13 Q. So optional line means -- it means
14 the line of Artisan sinks but an optional line
15 with respect to All Granite. It's not that
16 Artisan was going to produce different sinks
17 strictly for All Granite, correct?

18 A. There would not be specific sinks
19 for All Granite, no. That would be an
20 optional -- they would use our line as an
21 up-sale to their customer versus not having a
22 name brand.

23 Q. Okay. Just one follow-up on that
24 point just to clarify this.

25 MR. SCHROEDER: Let's mark this
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2 A. To? In my territory not many.

3 It's a line that -- the 18 gauge is not a
4 market that we try to be in. It's to give a
5 customer, let's say like All Marble who is
6 importing a sink, just to have a low-end sink.
7 We are not low-end. Our 18 gauge is probably
8 more expensive than the other 18 gauges that
9 they can sell. But it's to give them a more
10 competitive cost price point if they need
11 that.

12 Q. So this is a less expensive line
13 of sinks than your 16 gauge line of sinks?

14 A. Yes, it is. Limited models and
15 makes, though. So they cannot get the same
16 product, the same models -- not all of our
17 models in 16 gauge are made in 18 gauge. It's
18 a very limited line.

19 Q. If you recall did you discuss this
20 at all with Robert during your meeting, the
21 idea of offering an 18 gauge sink to him?

22 A. I did not.

23 Q. You don't recall or you did not
24 discuss it?

25 A. I don't recall bringing up our 18

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2 gauge product. Mainly because he told me that
3 they are importing a sink and, you know, with
4 my past history if somebody is importing a
5 sink and they're that deep in inventory of a
6 product, you know, that's not even an area
7 where we want to go.

8 Q. Now, based on your experience, a
9 sink like this 18 gauge sink which I assume
10 you also import from China or --

11 A. Um-hum.

12 Q. From a price standpoint is this
13 sink going to be competitively priced with
14 other 18 gauge sinks which are imported?

15 A. It's going to be -- it's more --
16 we tend to be the more expensive.

17 Q. Okay. Why is that? What makes
18 your sink more expensive?

19 A. Because we are a -- primarily a 16
20 gauge sink company. If we put an 18 gauge
21 sink out on the market, you know, A, Artisan
22 is about quality. Artisan is about image.
23 And we do not want to be associated with the
24 cheapest sink in the industry. There is a
25 price to be had for name brand recognition.

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2 Q. Do these 18 gauge sinks include
3 the same sort of padding which you speak to on
4 your 16 gauge sinks, the padding on the bottom
5 and sides?

6 A. They are padded, correct.

7 Q. Are they padded in the same
8 fashion as the 16 gauge singles?

9 A. Yes, they are.

10 Q. Do you have any idea how many of
11 these sinks are sold every year?

12 A. I don't.

13 Q. I was going the back up and say
14 how long has an 18 gauge sink actually been
15 offered for sale? If you know.

16 A. Has been part of -- I'm sorry.

17 Q. Been offered for sale. How long?

18 A. Offered for sale? It has been
19 part of -- as far as I know it's been a
20 part of -- since I've been here so it's...

21 Q. So at least since April 2007
22 they've been offered for sale.

23 A. Sure, yes.

24 Q. Do you have an idea as to how many
25 of the sinks have actually been sold?

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2 A. I don't.

3 Q. Percentage of sales?

4 A. I don't.

5 Q. Okay. Thank you.

6 In your experience can customers
7 tell the difference between a 16 gauge sink
8 and an 18 gauge sink?

9 A. Visually?

10 Q. In any fashion. Visually, through
11 feel, through touch. Can customers tell the
12 difference?

13 MR. MALTBIE: Objection to form.

14 A. Yeah. I'm not sure how you're --

15 Q. Okay. Let's start over with that
16 question.

17 Do you believe that customers know
18 the difference between a 16 gauge sting and an
19 18 gauge sink?

20 A. Without being told?

21 Q. Without being told.

22 A. No.

23 Q. Is it something that a customer
24 could observe through usage of a sink?

25 A. Well, yes. Because 18 gauge is a

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2 thinner steel so it's going to dent easier
3 than the 16 gauge product will.

4 Q. How about with respect to
5 scratching, would a 16 gauge sink be more
6 resistant to scratching than an 18 gauge sink?

7 A. To the best of my knowledge, no.

8 Q. Okay. So the primary difference
9 might be the resistance to denting between a
10 16 gauge sink and an 18 gauge sink.

11 A. Resistance to denting. Thermal
12 retention of the water. Temperature of the
13 water. Those are your main differences.

14 Q. Um-hum.

15 A. And the sound basically in a
16 double bowl sink if they're using a sink
17 disposer, you know, garbage disposal. Sixteen
18 gauge is heavier; therefore, when you're
19 putting it under granite it's quieter. When
20 you run the water, when you turn the disposal
21 on.

22 Q. You get less vibration through the
23 18 gauge?

24 A. Correct.

25 Q. No, through the 16 gauge.

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A. Through the 16 gauge, yeah.

Q. What does the padding do to the sink?

A. The padding basically is a vibration deadener. Sound deadener.

Q. Sound from what?

A. Water running, garbage disposal. You know, a common thing for people to do tap point on a sink. For whatever reason. They just don't want to hear -- you know, they don't want to hear a sink when you run the water.

Q. Or if you drop dishes in the sink?

A. Drop dishes in the sink.

Q. Do any of your competitors put padding on the outside of their sinks?

A. On the outside? Some competitors do. Some don't. Some will use an undercoating as opposed to a pad.

Q. What's the difference between an undercoating and a pad?

A. Undercoating is basically a sprayed-on application. Once again helps thermal retention and sound deadening.

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Q. A sprayed-on application, are you familiar with what the actual spray is?

A. I'm not. The manufacturing end I'm not.

Q. And your padding is actually a --

A. It's an actual pad.

Q. It's an actual pad.

A. Yeah. We do both processes on our sinks. We both pad them and undercoat them.

Q. On all your sinks?

A. Every single sink.

Q. Which brand if any also uses padding on the underside and bottom of their sinks besides Artisan?

A. Well, once again --

Q. If you know.

A. I mean, it's kind of -- it's a question that really can't be -- I would say some of them -- I would say most of them use some type of padding. Whether it be maybe just on the bottom. You know -- but, then, again, some of them will have cheaper lines that don't use any padding. Some of them will just undercoat and not put a pad on at all.

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So it's hard for me. You know, there's lines maybe within a line that -- you know, that some have pads and some don't.

Q. So the same manufacturer may have a line with padding and a line without padding.

A. That's correct. If they're making a cost competitive product and they're targeted at a builder or targeted at, you know, a low-end line they may leave the pads off altogether and not even undercoat it just to save money.

Q. Okay. Let's just back up now to your visit to All Granite. You mentioned your first visit was the Ridgefield Park location and you stopped in and that was the point you actually were told Robert's name and I guess contact information.

A. Right.

Q. Did you speak to anyone in the showroom that you recall?

A. I did. I mean, I couldn't tell you who I spoke with. I'll be honest with you, once I handed them my card I was kind of

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taken out of the showroom and brought to the side. And there was a lot of whispering going on. And, you know, the next thing I know I was given the name of who to contact and -- you know, I don't want to say escorted out of the door but basically that was it, you know. Which honestly felt very odd to me for a company that we used to do business with. Or at that time I thought was currently doing business with because I saw our paperwork there.

Q. Okay. That was going to be my next question. Your visit -- this would have been sometime prior to July 26th which is your first e-mail date.

A. That's correct.

Q. So that visit you did actually observe paperwork in the store?

A. Yes.

Q. Do you know what you saw?

A. The exact paper was not our -- they had two different things. They had a white sheet which had model numbers. And it had, you know, diagrams and measurements on

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it. And I'm saying it vaguely because that's -- when I tell you I was taken out of there very quickly, it was what I was able to observe before I was taken out of that room.

Q. Were you actually able to take one of those samples with you that day?

A. No, I was not. No.

Q. So you saw a white sheet with design I guess specs on that sheet?

A. Yes.

Q. Did you observe on that sheet either the name Artisan or the fleur-de-lis design?

A. I did observe Artisan on the -- I did not observe the fleur-de-lis design.

Q. Okay. And you said you saw a second brochure?

A. Well, it wasn't a brochure. They had a -- I'll call it a -- for lack of a better words, a poster. It wasn't as big as a poster. But that also had -- that had a few different sinks on it. I did observe a model number which was ours. The exact sink I couldn't tell you. But that was the extent of

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the two pieces of, you know, literature if you want to call it, that I observed there.

Q. Was the poster hanging on a wall?

A. It was hanging on a wall.

Q. Were there sinks nearby?

A. No. Actually, in that location the sinks are -- or were I should say -- they were off of that area a little bit. And I didn't get to really observe what sinks were there. They had them in like a pull-out drawer so I would have to have pulled them out to see what was actually on display. So I was not afforded enough time to visually observe the sinks so...

Q. Were there other sink brands other than Artisan?

A. Name wise I didn't recognize anything. It was more -- I want to say model number than it was -- on that poster it was more model numbers and pricing. You know, it was a diagram of a sink, model number, and what the cost of that sink would be.

Q. Was that a poster that was -- to the best of your knowledge, was it a poster

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there for the benefit of the customers or was it a poster there for the benefit of the dealer working up the deal?

A. I would say it was more the benefit of the customer so they could see the price for a sink. That's what I would presume.

Q. So the poster was in a portion of the showroom that was readily visible to customers?

A. Oh, yes. Yeah.

Q. And the back-up, the white sheets that you mentioned you saw with designs and specifications and prices, were they -- where were they in the store?

A. They were by the sink display which, you know, once again was a cabinet type thing with pull-outs on it.

Q. So they were there for the customer to take with him?

A. Yes.

Q. But you didn't take one of those sheets that day.

A. I didn't.

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Q. Okay. Now, following this visit you mentioned that you next visited the location in South Plainfield.

A. Correct.

Q. How many days after the first visit did you visit the second location, if you recall?

A. I don't recall an exact date.

Q. A week?

A. I would say it was in -- if I know myself it should have been within a couple week time period.

Q. A few weeks.

So that would have been sometime -- this first e-mail is dated June 26 so sometime in July?

A. Sometime between there and July. Because I -- what I would have wanted to do is probably went there and seen what they were doing and what they had on display before I met with Robert.

Q. Okay. Now, when you went to this South Plainfield showroom did you speak to anyone there?

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A. Once again, I spoke -- it was just a salesperson which, you know, I gave my card to. He said that he doesn't handle anything to do with, you know, the ordering or anything of sink products. I had spoke with -- he got someone out of the back. I wouldn't know a name. Spoke to him very briefly. He once again said, Yes, Robert's the guy to see. So, you know, that's what I did. You know, just kept following up with Robert to get that appointment.

Q. Now, during your visit to South Plainfield did you observe any literature bearing any of the Artisan trademarks?

A. Literature? No, they had the same white sheets. I observed our sink on display.

Q. Okay. Let's go slow. The same white sheets.

A. Um-hum.

Q. So those are those spec sheets.

A. Um-hum.

Q. And you're saying those spec sheets had the name Artisan on them?

A. That's correct.

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Q. So to the best of your knowledge it was the same spec sheets you saw --

A. Yeah, to the best of my knowledge.

Q. So you saw the spec sheets. Any posters in this location. Do you recall?

A. I think they had the same poster but I don't -- I'm not 100 percent sure.

Q. And then you were just going to say you observed a sink --

A. They had our actual sink on display.

Q. Okay. A single sink.

A. To the best of my knowledge, yes, one sink, that I remember.

Q. And that would have been -- if you know, would that have been the same sink that's referred to later in the private investigator's report?

A. I would imagine. I don't know -- I honestly don't remember whether it was a single, a double.

Q. Okay.

A. I don't remember the model it was.

Q. Okay.

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A. At that time I'm still only four months with the company so...

Q. That's fine.

Backing up to Ridgefield Park for a second, your first visit. There you said the sinks were actually in drawers so you couldn't actually observe the sinks at that point on your first visit to Ridgefield Park.

A. Right. Right.

Q. So you didn't actually look at the sinks to tell whether any of those were Artisan sinks.

A. I didn't. I tried but...

Q. Okay.

So we visited South Plainfield. And is your next contact with Robert at that point? Your next visit to All Granite, is that your meeting with Robert?

A. I would say yes. Once again, there was two meetings. The first meeting was supposed to be at the Ridgefield Park showroom or store. When I arrived there they told me Robert wasn't there. I went back outside, called his cell phone. And he told me that

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something had come up and he couldn't make our meeting. And to call him and reschedule it.

Q. Okay. Let's stop there for a second.

Did you observe the spec sheets at that point, in that visit, the same spec sheets?

A. I didn't.

Q. Were you actually in the showroom that day?

A. I walked in. And once again they told me Robert wasn't there. You know, I left.

Q. Okay.

A. It wasn't a warm welcome.

Q. Okay. And then following that meeting you rescheduled your meeting with Robert.

A. That's correct.

Q. And where did that meeting actually take place when you did finally meet?

A. Well, that meeting Robert rescheduled with me was -- I don't recall the exact address but it was in a home. I met him

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2 in a house. It was a couple miles from the
3 Ridgfield Park location.

4 Q. Was it a house that they were
5 working on? A job site?

6 A. No, it was a residential house
7 that he told me that they were using as
8 offices.

9 Q. And how long did that meeting last
10 with Robert, if you recall?

11 A. An hour.

12 Q. Was anybody else there besides you
13 and Robert?

14 A. There were other people in the
15 room but nobody -- I mean, it was -- you know,
16 it was just a -- you know, two other people
17 there but nobody that sat in our meeting. It
18 was just him and I.

19 Q. Okay. Following that meeting with
20 Robert, have you been back to any of the All
21 Granite showrooms?

22 A. Following the meeting. No.

23 Q. Have you sent any other
24 employees -- other than the private
25 investigator, have you sent any other people,
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2 BY MR. SCHROEDER:

3 Q. Showing you what's been marked as
4 Defendant's 83. Do you recognize that
5 document? Do you know what it is?

6 A. Yes, I do.

7 Q. Could you tell me what it is?

8 A. It's a UPC certification of our
9 sinks.

10 Q. Okay. So if we look on page 2 of
11 the document it lists a collection of 16 gauge
12 sinks and then a few 18 gauge sinks.

13 A. Correct.

14 Q. Are those 18 gauge sinks the ones
15 we saw earlier on the document we marked as
16 Defendant's 82? At least there's three on
17 Defendant's 82 and there seems to be five
18 sinks listed here on Defendant's 83.

19 A. No. These are not the same
20 models.

21 Q. Okay. Are these earlier models,
22 do you know? Later models?

23 A. I would say that these here, based
24 upon our nomenclature, these would appear to
25 be maybe something that was produced for
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2 employees, to visit any of the All Granite
3 showrooms?

4 A. No.

5 Q. Did you ever visit the showroom in
6 Pennsylvania?

7 A. Stroudsburg, no.

8 (Discussion held off the record.)

9 (Recess taken.)

10 BY MR. SCHROEDER:

11 Q. We spoke a little bit about 18
12 gauge versus 16 gauge sinks. Have you ever
13 told any dealers, potential customers, that
14 the All Granite sink is an inferior sink?

15 A. Inferior sink? No.

16 Q. Have you ever described the All
17 Granite sink to any of your dealers or
18 customers?

19 A. No.

20 MR. SCHROEDER: Mark this next
21 document as defendant 83.

22 (Defendant's Exhibit 83, document
23 bearing production numbers ART 00114
24 through ART 00116, marked for
25 identification as of this date.)
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2 someone, for special reasons. Because the D
3 under nomenclature denotes depth. All of our
4 18 gauge sinks are eight-inch depth and these
5 are all nine-inch depths.

6 Q. Okay. Fine. Let me ask you one
7 final question about this document,
8 Defendant's 83. If you turn to page 3,
9 there's a company mentioned called Counter
10 Seal Corporation.

11 A. Um-hum.

12 Q. Do you know that name?

13 A. I know of them.

14 Q. Could you tell me who they are?

15 A. I believe they are -- they're a
16 distributor for us in Canada.

17 Q. And do you know what sinks they
18 distribute?

19 A. I don't.

20 Q. Do you recognize the model numbers
21 that are listed under Counter Seal
22 Corporation?

23 A. I don't.

24 Q. Okay. Thank you.

25 Were you involved in the document
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